

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FREDERICK HARRISON and
PHYLLIS HARRISON,

Plaintiffs,

Case No. 12-12281

Honorable Thomas L. Ludington

v.

BANK OF AMERICA, NA, and
BAC HOME LOANS SERVICING,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING DEFENDANTS' MOTION TO DISMISS

Plaintiffs Frederick and Phyllis Harrison brought claims against the Defendants related to the circumstances surrounding a mortgage loan, default, subsequent sheriff's sale completed on November 3, 2011, and expiration of the redemption period as of May 3, 2012. On August 16, 2012, Defendants filed a motion to dismiss the action pursuant to Federal Rule of Civil Procedure 12(b)(6).

On January 17, 2013, Magistrate Judge Charles E. Binder issued a report recommending Defendants' motion be granted. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 11, is **ADOPTED**.

It is further **ORDERED** that Defendants' motion to dismiss, ECF No. 6, is **GRANTED**.

It is further **ORDERED** that Plaintiffs' complaint, ECF No. 1, is **DISMISSED** with prejudice.

Dated: February 5, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 5, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS